IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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S.B. CIVIL WRIT PETITION NO.1629/2004

Gulab Singh

Versus

State of Rajasthan and ors.

Date of Order : 9.5.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.P.S. Bhati, for the petitioner
Ms.V.Bora, Assistant Govt. Advocate

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The instant petition has been filed by the petitioner seeking a direction against the respondents to consider the candidature of the petitioner for the post of Physical Training Instructor Grade III after granting him 15 bonus marks for the sports certificate (Annex.5).

The brief facts of the case are that an advertisement was issued by the respondents on 28.7.2003 inviting applications for the post of Physical Training Instructor. The petitioner being eligible for appointment on the said post, applied for the same.

It has further been averred by the petitioner in the writ petition that in the advertisement a provision was made for awarding 15 bonus marks for participation in the National Level Tournament.

Further case of the petitioner is that he participated in Inter University Kabaddi Tournament (West Zone) held at Amrawati.

The controversy involved in the present writ petition is that the sports certificate (Annex.5) submitted by the petitioner along with the application form was equivalent to national level certificate, but the respondents have awarded only 10 bonus marks for the same considering it to be of State Level. Hence, this writ petition.

Heard the learned counsel for the parties.

During the course of arguments, the learned counsel for the petitioner submits that the controversy involved in the instant case is squarely covered by the decision of this Court in the case of Laxman Singh V/s State of Rajasthan and ors. (S.B.CWP No.1423/98 decided on 13.8.2002)

reported in 2003(1) WLC (Raj.) 337. The Division Bench of this Court vide judgment dtd.8.5.2003 delivered in D.B.Civil Special Appeal No.377/2003 (DRJ) has also affirmed the order dtd.13.8.2002 delivered in the case of Laxman Singh (supra).

Since the controversy involved in the instant petition is squarely, covered by the decision of this Court in the case of Laxman Singh (supra) and this fact has not been controverted by the learned counsel for the respondents, therefore, the present writ petition deserves to be allowed in terms of the observations made in the case of Laxman Singh (supra) and it is held that the petitioner is entitled to get 15 bonus marks on the basis of Certificate (Annex.5) instead of 10 bonus marks already awarded to him by the respondents.

. Accordingly, the present writ petition is allowed in view of the observations made by this Court in the case of Laxman Singh (supra) and the respondents are directed to consider the candidature of the petitioner for appointment on the post of Physical Training Instructor Grade III after granting 15 bonus marks in place of 10 bonus marks on the basis of

Certificate (Annex.5) and in case after granting 15 bonus marks, if any person who stood lower in merit than the petitioner, has been offered appointment, then the case of the petitioner be also considered for appointment from the date the person less meritorious to him has been given appointment. On his appointment, the petitioner shall not be entitled for the emoluments of the post for the past, however, he will be entitled to claim seniority over the persons who were lower in merit, but have been offered appointment prior to him.

With the aforesaid observations and directions, the writ petition is allowed. There will be no order as to costs.

(R.P. VYAS)J.

Rm/